

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE

2006 FEB 13 A 10:19

RECEIVED  
DISTRICT OF MASS.

No. 05 10416 MEL

MUSKET RESEARCH ASSOCIATES, INC.,

Plaintiff,

v.

OVION, INC., WILLIAM S. TREMULIS,  
and JEFFREY P. CALLISTER,

Defendants.

OVION, INC.,

Counterclaimant,

v.

MUSKET RESEARCH ASSOCIATES, INC.,  
DAVID B. MUSKET, and  
SUE ANN LATTERMANN,

Counterdefendants.

**MOTION FOR IMPOUNDMENT PURSUANT TO LOCAL RULE 7.2**

Pursuant to Local Rule 7.2, Plaintiff Musket Research Associates, Inc. ("MRA") hereby moves this Court to impound the following documents:

1. PLAINTIFF'S MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT;
2. AFFIDAVIT OF BROOKS A. AMES IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; and
3. PLAINTIFF'S STATEMENT OF MATERIAL FACTS AS TO WHICH THERE EXISTS A GENUINE ISSUE TO BE TRIED.

Redacted copies have been filed electronically.

As grounds therefore, MRA states that the above filings contain or refer to documents that Ovion has deemed to contain trade secret, proprietary, or otherwise sensitive business information. MRA states further that the parties have agreed to consider this information “attorneys’ eyes only” until the Court has entered an appropriate protective order. By filing this motion, MRA does not admit or concede that these documents are, in fact, entitled to “attorneys’ eyes only” protection.

WHEREFORE, Plaintiff Musket Research Associates, Inc. respectfully requests that this Court issue an order:

1. Impounding the above-listed filings;
2. Allowing the impoundment order to remain in place until further ordered by the Court; and
3. Granting such further and other relief as the Court deems just and proper.

Respectfully submitted,

MUSKET RESEARCH ASSOCIATES, INC.  
DAVID B. MUSKET and  
SUE ANN LATTERMANN

By their attorneys,

/s/ Brooks A. Ames  
Brooks A. Ames (BBO #641192)  
DLA PIPER RUDNICK GRAY CARY US LLP  
One International Place, 21st Floor  
Boston, MA 02110-2600  
(617) 406-6045 (telephone)  
(617) 406-6145 (fax)

Arthur S. Beeman (admitted *pro hac vice*)  
Pamela K. Fulmer (admitted *pro hac vice*)  
DLA PIPER RUDNICK GRAY CARY US LLP  
153 Townsend Street, Suite 800  
San Francisco, CA 94107  
(415) 836-2541 (telephone)  
(414) 836-2501 (fax)

Dated: February 10, 2006